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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,790	11/09/2001	Paul Faeth	07944.0005	5764

7590 03/22/2007  
Finnegan, Henderson, Farabow,  
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1300 I Street, N.W.  
Washington, DC 20005-3315

EXAMINER
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MEYERS, MATTHEW S

ART UNIT	PAPER NUMBER
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3629

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/986,790	<b>Applicant(s)</b> FAETH, PAUL	
	<b>Examiner</b> Matthew S. Meyers	<b>Art Unit</b> 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-93 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-93 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to applicant's communication on 11/09/2001, wherein claims 1-93 are currently pending.

### ***Priority***

2. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged.

### ***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 5/10/02 is being considered by the examiner.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
6. Claims 1-93 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Market Based Strategies & Nutrient Trading: What You Need to Know*, November 1995 (<http://www.chesapeakebay.net/pubs/subcommittee/nsc/nsc312.pdf>) (Hereinafter referred to as *Nutrient Trading*) in view of Tuck et al. (U.S. 6,473,744) (Hereinafter referred to as *Tuck*).

7. With respect to **Claims 1, 20 and 39**:

Nutrient Trading discloses a method and system and for performing nutrient trading, which allows two sources facing different nutrient control costs to shift pollution control responsibilities by allowing members to receive nutrient credits (allowances) if they are able to reduce nutrient discharge below their allocated amount (*Nutrient Trading*, page 1). It also discloses the ability to sell or save these nutrient credits and to search for cost effective ways to reduce nutrient discharges below their allocated levels by giving sources the ability to purchase nutrient reductions from nonpoint sources (*Nutrient Trading*, page 2). *Nutrient Trading* also discloses tracking and monitoring the trades (*Nutrient Trading*, page 9).

*Nutrient Trading* does not explicitly disclose performing these trades using a computer readable medium, or posting an offer, receiving a bid for the trade, or receiving an acceptance for the trade. However, *Tuck* teaches a electronic system and method for trading electric energy which allows users to enter quantity and price information on energy that they have available to sell, wish to buy, or both. These offers are then sorted and presented to other Participants. These offers are sorted by lowest

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price to highest for purchase opportunities and sorted highest price to lowest for sale opportunities. Each Participant sees delivered price for purchases and total revenue for sales from its unique location in the electric grid (Tuck col. 2, lines 40-54).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the Nutrient Trading system of Nutrient Trading with the electronic system and method for trading electric energy of Tuck in order to establish the nutrient trading system anticipated by Nutrient Trading (Nutrient Trading, page 8, footnote 2). The combination of Tuck and Nutrient Trading would enable the definition of a market between participants and their sources of nutrients. This system of trading would enable its participants to trade their nutrients as a commodity just as electricity in Tuck. Moreover, Tuck identified the need to automate the trading of electricity from a telephone based system to the invention disclosed within using the a software application, a computer and a communications network. This need is also identified within Nutrient Trading which recommends establishing a "broker organization" which will act as a trade coordinator (Nutrient Trading, page 10).

8. With respect to **Claims 2-8, 21-27 and 40-46:**

Nutrient Trading discloses wherein the trade offer is an offer to sell an amount of available nutrient credits (Nutrient Trading, page 2).

Nutrient Trading discloses wherein the trade offer is an offer to buy an amount of available nutrient credits (Nutrient Trading page 4).

Nutrient Trading discloses wherein registering comprises: posting the nutrient trade in a trade registry; and transferring the nutrient trade to a regulatory agency

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(Nutrient Trading, page 9, "The establishment of a nutrient trading system creates a number of administrative and organizational requirements. Administrative oversight, approval and tracking of nutrient trades are necessary to evaluate and monitor the impact of the trading program on overall water quality.").

Nutrient Trading discloses the steps performed before the posting step, of: receiving a selection of a nonpoint source location; receiving source information describing the nonpoint source; and determining a first nutrient load based on the location and the source information (Nutrient Trading, page 5, "The task of creating the commodity, however, is contingent on being able to define, measure, monitor, and enforce nutrient discharges.").

Nutrient Trading discloses receiving a selection of a management practice; receiving information describing the selected management practice; determining a cost associated with the selected management practice; and determining an amount of available nutrient credits based on the selected management practice (Nutrient Trading, page 5, "The task of creating the commodity, however, is contingent on being able to define, measure, monitor, and enforce nutrient discharges.").

Nutrient Trading discloses the steps performed before the posting step, of: receiving a selection of a point source location; receiving nutrient information describing the point source; and determining nutrient emissions of the point source based on the nutrient information (Nutrient Trading, page 5, "The task of creating the commodity, however, is contingent on being able to define, measure, monitor, and enforce nutrient discharges.").

Nutrient Trading discloses receiving economic information for the point source; determining an amount of available nutrient credits based on a nutrient reduction practice; and determining a cost associated with the nutrient reduction practice (Nutrient Trading, page 5, "The task of creating the commodity, however, is contingent on being able to define, measure, monitor, and enforce nutrient discharges.").

9. With respect to **Claims 9, 28, and 47**:

Nutrient Trading discloses a method and system for performing nutrient trading for a nonpoint source associated with a management practice, comprising: selecting a nonpoint source location (Nutrient Trading, page 5, "The task of creating the commodity, however, is contingent on being able to define, measure, monitor, and enforce nutrient discharges."); providing source information describing the nonpoint source (Nutrient Trading, page 5, "The task of creating the commodity, however, is contingent on being able to define, measure, monitor, and enforce nutrient discharges."); selecting a new management practice associated with a first nutrient load based on the location and source information; providing new management practice information associated with the new management practice; and receiving nutrient information reflecting a cost of the new management practice and an amount of available nutrient credits associated with the new management practice (Nutrient Trading, page 2, "In exchange for paying for the best management practice (BMP), the point source discharger receives additional pollution allowances that are based on the estimated reduction in nutrient loadings from BMP implementation.").

Nutrient Trading does not explicitly disclose performing these trades using a computer readable medium. However, Tuck teaches a electronic system and method for trading electric energy which allows users to enter quantity and price information on energy that they have available to sell, wish to buy, or both. These offers are then sorted and presented to other Participants. These offers are sorted by lowest price to highest for purchase opportunities and sorted highest price to lowest for sale opportunities. Each Participant sees delivered price for purchases and total revenue for sales from its unique location in the electric grid (Tuck col. 2, lines 40-54).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the Nutrient Trading system of Nutrient Trading with the electronic system and method for trading electric energy of Tuck in order to establish the nutrient trading system anticipated by Nutrient Trading (Nutrient Trading, page 8, footnote 2). The combination of Tuck and Nutrient Trading would enable the definition of a market between participants and their sources of nutrients. This system of trading would enable its participants to trade their nutrients as a commodity just as electricity in Tuck. Moreover, Tuck identified the need to automate the trading of electricity from a telephone based system to the invention disclosed within using the a software application, a computer and a communications network. This need is also identified within Nutrient Trading which recommends establishing a "broker organization" which will act as a trade coordinator (Nutrient Trading, page 10).

10. With respect to **Claims 10-16, 29-35, and 48-54:**

Nutrient Trading discloses wherein the location is selected using a geographical information system interface (Nutrient Trading, page 1).

Nutrient Trading discloses wherein the source information comprises information reflecting characteristics associated with the nonpoint source and the management practices (Nutrient Trading, page 2).

Nutrient Trading discloses wherein the nutrient load is determined using an environmental model (Nutrient Trading, page, 2, "A discharge allowance specifies a quantity of nutrients (nitrogen and phosphorus) that the discharger is allowed to release into a given body of water over a specified period of time.").

Nutrient Trading discloses wherein the environmental model is one of a Spatially Explicit Delivery Model and Revised Universal Soil Loss Equation Model (Nutrient Trading, page 4) (Examiner notes that The Revised Universal Soil Loss Equation is a calculation that estimates average annual soil loss and sediment yield resulting from interrill and rill erosion.).

Nutrient Trading discloses wherein the new management practice is one of conservation tillage, filter strip construction, wetland construction, and sediment basin construction (Nutrient Trading, page 2, "Through such an exchange of control responsibility, the total pollution control requirements (basin, subbasin or local area) are met, but the aggregate cost of compliance across nutrient sources is reduced.").

Nutrient Trading discloses wherein the new management practice information comprises at least one of construction information and economic information (Nutrient Trading, page 1, Efforts to induce forestry and farm operators to implement controls to

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reduce nutrient loadings (BMPs) have relied on a combination of educational programs , technical assistance, and cost-sharing arrangements).

Nutrient Trading discloses wherein the amount of available nutrient credits is based on a difference between a second nutrient load associated with the point source and the first nutrient load (Nutrient Trading, page 2, "the potential cost savings from the establishment of a nutrient trading system stems from the existence of differential pollution abatement costs between sources.").

11. With respect to **Claims 17, 36, and 55:**

Nutrient Trading discloses a method and system for determining an amount of available nutrient credits for a point source, comprising: selecting a point source location (Nutrient Trading, page 5, "The task of creating the commodity, however, is contingent on being able to define, measure, monitor, and enforce nutrient discharges."); providing nutrient information describing the point source (Nutrient Trading, page 5, "The task of creating the commodity, however, is contingent on being able to define, measure, monitor, and enforce nutrient discharges."); providing economic information for the point source (Nutrient Trading, page 6, "...nutrient allowances would be assigned to the nutrient control practice by estimating the amount that nutrient loadings will be reduced by the proper installation and maintenance of the BMP."); and receiving information reflecting an amount of available nutrient credits associated with a nutrient reduction practice and a cost for implementing the new management practice, wherein the nutrient reduction practice is associated with nutrient emissions based on the nutrient information and location (Nutrient Trading, page 2, "In exchange for paying for the best

management practice (BMP), the point source discharger receives additional pollution allowances that are based on the estimated reduction in nutrient loadings from BMP implementation.").

Nutrient Trading does not explicitly disclose determining the amount of available nutrient credits using a computer readable medium. However, Tuck teaches a electronic system and method for trading electric energy which allows users to enter quantity and price information on energy that they have available to sell, wish to buy, or both. These offers are then sorted and presented to other Participants. These offers are sorted by lowest price to highest for purchase opportunities and sorted highest price to lowest for sale opportunities. Each Participant sees delivered price for purchases and total revenue for sales from its unique location in the electric grid (Tuck col. 2, lines 40-54).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the Nutrient Trading system of Nutrient Trading with the electronic system and method for trading electric energy of Tuck in order to establish the nutrient trading system anticipated by Nutrient Trading (Nutrient Trading, page 8, footnote 2). The combination of Tuck and Nutrient Trading would enable the definition of a market between participants and their sources of nutrients. This system of trading would enable its participants to trade their nutrients as a commodity just as electricity in Tuck. Moreover, Tuck identified the need to automate the trading of electricity from a telephone based system to the invention disclosed within using the a software application, a computer and a communications network. This need is also identified

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within Nutrient Trading which recommends establishing a “broker organization” which will act as a trade coordinator (Nutrient Trading, page 10).

12. With respect to **Claims 18-19, 37-38, and 56-57:**

Nutrient Trading discloses wherein the location is selected using a geographical information system interface (Nutrient Trading, page 1).

Nutrient Trading discloses wherein the nutrient information comprises at least one of current treatment practices, current phosphorus emissions, phosphorus limit maintenance costs, regulatory information, and upgrade costs (Nutrient Trading, page 5, “Quantifying N and P allowances”) (Examiner notes N and P are Nitrogen and Phosphorus respectfully, as abbreviated on the periodic table).

13. With respect to **Claims 58, 67, and 76:**

Nutrient Trading discloses a method and system for performing nutrient trading for a nonpoint source associated with a management practice (Nutrient Trading, page 6, “Quantifying nutrient discharges from nonpoint sources will also be necessary.”), comprising: receiving a selection of a nonpoint source location (Nutrient Trading, page 5, “The task of creating the commodity, however, is contingent on being able to define, measure, monitor, and enforce nutrient discharges.”); receiving source information describing the nonpoint source (Nutrient Trading, page 5, “The task of creating the commodity, however, is contingent on being able to define, measure, monitor, and enforce nutrient discharges.”); determining a first nutrient load based on the location and the source information (Nutrient Trading, page 5, “The task of creating the commodity, however, is contingent on being able to define, measure, monitor, and

enforce nutrient discharges."); receiving a selection of a management practice; receiving information describing the selected management practice; determining a cost associated with the selected management practice; and determining an amount of available nutrient credits based on the selected management practice (Nutrient Trading, page 6, "...nutrient allowances would be assigned to the nutrient control practice by estimating the amount that nutrient loadings will be reduced by the proper installation and maintenance of the BMP.").

Nutrient Trading does not explicitly disclose performing nutrient trading for a nonpoint source associated with a management practice using a computer readable medium. However, Tuck teaches a electronic system and method for trading electric energy which allows users to enter quantity and price information on energy that they have available to sell, wish to buy, or both. These offers are then sorted and presented to other Participants. These offers are sorted by lowest price to highest for purchase opportunities and sorted highest price to lowest for sale opportunities. Each Participant sees delivered price for purchases and total revenue for sales from its unique location in the electric grid (Tuck col. 2, lines 40-54).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the Nutrient Trading system of Nutrient Trading with the electronic system and method for trading electric energy of Tuck in order to establish the nutrient trading system anticipated by Nutrient Trading (Nutrient Trading, page 8, footnote 2). The combination of Tuck and Nutrient Trading would enable the definition of a market between participants and their sources of nutrients. This system of trading

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would enable its participants to trade their nutrients as a commodity just as electricity in Tuck. Moreover, Tuck identified the need to automate the trading of electricity from a telephone based system to the invention disclosed within using the a software application, a computer and a communications network. This need is also identified within Nutrient Trading which recommends establishing a "broker organization" which will act as a trade coordinator (Nutrient Trading, page 10).

14. With respect to **Claims 59-64, 68-73, and 77-82:**

Nutrient Trading discloses wherein the source information comprises information reflecting characteristics associated with the nonpoint source and the management practice (Nutrient Trading, page 6, "... nutrient allowances would be assigned to the nutrient control practice by estimating the amount that nutrient loadings will be reduced by the proper installation and maintenance of the BMP.").

Nutrient Trading discloses wherein the nutrient load is determined using an environmental model (Nutrient Trading, page, 2, "A discharge allowance specifies a quantity of nutrients (nitrogen and phosphorus) that the discharger is allowed to release into a given body of water over a specified period of time.").

Nutrient Trading discloses wherein the environmental model is one of a Spatially Explicit Delivery Model and Revised Universal Soil Loss Equation Model (Nutrient Trading, page 4) (Examiner notes that The Revised Universal Soil Loss Equation is a calculation that estimates average annual soil loss and sediment yield resulting from interrill and rill erosion.).

Nutrient Trading discloses wherein the new management practice is one of conservation tillage, filter strip construction, wetland construction, and sediment basin construction (Nutrient Trading, page 2, "Through such an exchange of control responsibility, the total pollution control requirements (basin, subbasin or local area) are met, but the aggregate cost of compliance across nutrient sources is reduced.").

Nutrient Trading discloses wherein the new management practice information comprises at least one of construction information and economic information (Nutrient Trading, page 1, Efforts to induce forestry and farm operators to implement controls to reduce nutrient loadings (BMPs) have relied on a combination of educational programs, technical assistance, and cost-sharing arrangements).

Nutrient Trading discloses wherein the amount of available nutrient credits is based on a difference between a second nutrient load associated with the nonpoint source and the first nutrient load (Nutrient Trading, page 2, "the potential cost savings from the establishment of a nutrient trading system stems from the existence of differential pollution abatement costs between sources.").

15. With respect to **Claims 65, 74, and 83:**

Nutrient Trading discloses a method and system for determining an amount of available nutrient credits for a point source, comprising: receiving a selection of a point source location (Nutrient Trading, page 5, "The task of creating the commodity, however, is contingent on being able to define, measure, monitor, and enforce nutrient discharges."); receiving nutrient information describing the point source (Nutrient Trading, page 5, "The task of creating the commodity, however, is contingent on being

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able to define, measure, monitor, and enforce nutrient discharges."); determining nutrient emissions of the point source based on the nutrient information (Nutrient Trading, page 5, "The task of creating the commodity, however, is contingent on being able to define, measure, monitor, and enforce nutrient discharges."); receiving economic information associated with the point source ; determining an amount of available nutrient credits based on a nutrient reduction practice ; and determining a cost associated with the nutrient reduction practice (Nutrient Trading, page 6, "...nutrient allowances would be assigned to the nutrient control practice by estimating the amount that nutrient loadings will be reduced by the proper installation and maintenance of the BMP.").

Nutrient Trading does not explicitly disclose determining the amount of available nutrient credits for a point source using a computer readable medium. However, Tuck teaches a electronic system and method for trading electric energy which allows users to enter quantity and price information on energy that they have available to sell, wish to buy, or both. These offers are then sorted and presented to other Participants. These offers are sorted by lowest price to highest for purchase opportunities and sorted highest price to lowest for sale opportunities. Each Participant sees delivered price for purchases and total revenue for sales from its unique location in the electric grid (Tuck col. 2, lines 40-54).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the Nutrient Trading system of Nutrient Trading with the electronic system and method for trading electric energy of Tuck in order to establish

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the nutrient trading system anticipated by Nutrient Trading (Nutrient Trading, page 8, footnote 2). The combination of Tuck and Nutrient Trading would enable the definition of a market between participants and their sources of nutrients. This system of trading would enable its participants to trade their nutrients as a commodity just as electricity in Tuck. Moreover, Tuck identified the need to automate the trading of electricity from a telephone based system to the invention disclosed within using the a software application, a computer and a communications network. This need is also identified within Nutrient Trading which recommends establishing a "broker organization" which will act as a trade coordinator (Nutrient Trading, page 10).

16. With respect to **Claims 66, 75, and 84:**

Nutrient Trading discloses wherein the nutrient information comprises at least one of current treatment practices, current phosphorus emissions, phosphorus limit maintenance costs, regulatory information, and upgrade costs (Nutrient Trading, page 5, "Quantifying N and P allowances") (Examiner notes N and P are Nitrogen and Phosphorus respectfully, as abbreviated on the periodic table).

17. With respect to **Claims 85, 87, and 89:**

Nutrient Trading discloses a method and system for providing nutrient trade information comprising: receiving a selection of a geographic location (Nutrient Trading, page 1); determining at least one nutrient trade associated with the selected geographic location (Nutrient Trading, page 1); and providing a nutrient registry including information reflecting the at least one registered nutrient trade (Nutrient Trading, page 9, "The establishment of a nutrient trading system creates a number of administrative and

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organizational requirements. Administrative oversight, approval and tracking of nutrient trades are necessary to evaluate and monitor the impact of the trading program on overall water quality.").

Nutrient Trading does not explicitly disclose providing nutrient trade information using a computer readable medium. However, Tuck teaches a electronic system and method for trading electric energy which allows users to enter quantity and price information on energy that they have available to sell, wish to buy, or both. These offers are then sorted and presented to other Participants. These offers are sorted by lowest price to highest for purchase opportunities and sorted highest price to lowest for sale opportunities. Each Participant sees delivered price for purchases and total revenue for sales from its unique location in the electric grid (Tuck col. 2, lines 40-54).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the Nutrient Trading system of Nutrient Trading with the electronic system and method for trading electric energy of Tuck in order to establish the nutrient trading system anticipated by Nutrient Trading (Nutrient Trading, page 8, footnote 2). The combination of Tuck and Nutrient Trading would enable the definition of a market between participants and their sources of nutrients. This system of trading would enable its participants to trade their nutrients as a commodity just as electricity in Tuck. Moreover, Tuck identified the need to automate the trading of electricity from a telephone based system to the invention disclosed within using the a software application, a computer and a communications network. This need is also identified

within Nutrient Trading which recommends establishing a "broker organization" which will act as a trade coordinator (Nutrient Trading, page 10).

18. With respect to **Claims 86, 88, and 90:**

Nutrient Trading discloses wherein the trade registry includes information reflecting all registered nutrient trades associated with the selected geographic location (Nutrient Trading, page 9, "The establishment of a nutrient trading system creates a number of administrative and organizational requirements. Administrative oversight, approval and tracking of nutrient trades are necessary to evaluate and monitor the impact of the trading program on overall water quality.").

19. With respect to **Claims 91-93:**

Nutrient Trading discloses a method and system for providing nutrient trade information comprising: providing a selection of a geographic location (Nutrient Trading, page 1); and receiving a nutrient registry including information reflecting all registered nutrient trades associated with the selected geographic location (Nutrient Trading, page 9, "The establishment of a nutrient trading system creates a number of administrative and organizational requirements. Administrative oversight, approval and tracking of nutrient trades are necessary to evaluate and monitor the impact of the trading program on overall water quality.").

Nutrient Trading does not explicitly disclose providing nutrient trade information using a computer readable medium. However, Tuck teaches a electronic system and method for trading electric energy which allows users to enter quantity and price information on energy that they have available to sell, wish to buy, or both. These offers

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are then sorted and presented to other Participants. These offers are sorted by lowest price to highest for purchase opportunities and sorted highest price to lowest for sale opportunities. Each Participant sees delivered price for purchases and total revenue for sales from its unique location in the electric grid (Tuck col. 2, lines 40-54).

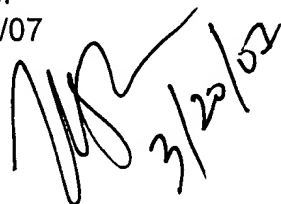
It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the Nutrient Trading system of Nutrient Trading with the electronic system and method for trading electric energy of Tuck in order to establish the nutrient trading system anticipated by Nutrient Trading (Nutrient Trading, page 8, footnote 2). The combination of Tuck and Nutrient Trading would enable the definition of a market between participants and their sources of nutrients. This system of trading would enable its participants to trade their nutrients as a commodity just as electricity in Tuck. Moreover, Tuck identified the need to automate the trading of electricity from a telephone based system to the invention disclosed within using the a software application, a computer and a communications network. This need is also identified within Nutrient Trading which recommends establishing a "broker organization" which will act as a trade coordinator (Nutrient Trading, page 10).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Meyers whose telephone number is (571)272-7943. The examiner can normally be reached on M-F 8:30-5:00.

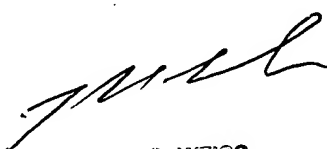
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571)272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MSM  
3/20/07



Handwritten signature of MSM, dated 3/20/07.



JOHN G. WEISS  
SUPERVISOR, EBC EXAMINER  
TELEPHONE CENTER 3600